



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

William H. Haak
Haak Law LLC
12595 Bentbrook Drive
Chesterland, Ohio 44026
whh@haaklawllc.com

Re: Polynt Composites USA, Inc.
Notice of Potential Violation

Dear William H. Haak:

Information currently available to the U.S. Environmental Protection Agency suggests that your client, Polynt Composites USA, Inc. (Polynt), may have committed violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401, *et seq.*, and its implementing regulations, including the National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, codified at 40 C.F.R. Part 63, Subpart EEE. A list of the potential violations that the EPA discovered is enclosed. By this letter, the EPA is extending to Polynt an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on August 8, 2023, an authorized representative of the EPA conducted a compliance monitoring inspection at Polynt's facility, located in Forest Park, Georgia (the facility). On May 15, 2024, the EPA sent an information request letter to Polynt pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), of the CAA, to determine compliance with Section 112 of the CAA, 42 U.S.C. § 7412, and its implementing regulations found at 40 C.F.R. § Part 63, Subpart EEE.

On November 14-15, 2023, the EPA National Enforcement Investigations Center (NEIC) conducted an inspection of the facility and sampled the incinerator feed line sample port which leads directly into the incinerator. NEIC collected samples when the incinerator was operational, and waste was being actively fed into the incinerator. According to NEIC's Civil Investigation Report on Polynt Composites (NEICVP1544E01), dated July 3, 2024, the samples exhibited the hazardous waste characteristic of ignitability (EPA hazardous waste number D001) and met the definition of F003 listed hazardous waste.

The provisions of the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE, apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste cement kilns, hazardous waste lightweight aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces (40 C.F.R. § 63.1200). A hazardous waste incinerator means a device defined as an incinerator in 40 C.F.R. § 260.10 and that burns hazardous waste at any time, 40 C.F.R. § 63.1201(a). For purposes of Subpart EEE, the hazardous waste incinerator includes all associated firing systems and air pollution control devices, as well as the combustion chamber equipment.

The EPA has authority under Section 113 of the CAA, 42 U.S.C. § 7413, to pursue enforcement actions for violations of Section 112 of the CAA, 42 U.S.C. § 7412, and its implementing regulations found at 40 C.F.R. § Part 63, including the issuance of compliance orders, the assessment of administrative penalties and/or the initiation of civil or criminal actions. To resolve the potential violations identified in the enclosure, the EPA requests that you contact Ashley Short, of the Office of Regional Counsel at (404) 562-9654, or via email at short.ashley@epa.gov, to make arrangements to discuss the potential violations and the EPA's possible enforcement action. The EPA will have legal representation during these discussions.

Polynt may voluntarily submit any documentation or information that it would like the EPA to review in advance of any in person meeting or teleconference on the matter as to why it believes the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If Polynt decides to submit such documentation or information, the EPA respectfully requests that it do so two weeks in advance of any meeting or teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Ashley Short at the contact information identified above.


Sincerely,

**KERIEMA
NEWMAN**

Keriema S. Newman

Division Director

Enforcement and Compliance Assurance Division

 Digitally signed by KERIEMA
NEWMAN
Date: 2024.12.11 11:50:36 -05'00'

cc: Sean Taylor
Program Manager, Stationary Source Compliance Program
Sean.Taylor@dnr.ga.gov

Enclosure:
List of Potential Violations

Based on the EPA's August 8, 2023, inspection, the information received from Polynt in response to the information request letter sent by the EPA on May 15, 2024, and the findings of the inspection conducted by the EPA National Enforcement Investigations Center on November 14-15, 2023, the EPA alleges the following potential violations:

1. Since at least November 14, 2023, Polynt has burned hazardous waste in its onsite incinerator without demonstrating compliance with the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. Part 63, Subpart EEE.
2. Since at least November 14, 2023, Polynt has failed to comply with 40 C.F.R. § 63.1200(a)(2) by failing to immediately apply for and obtain a title V permit for operation of the Hazardous Waste Incinerator.